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In the Supreme Court of the United States

OCTOBER TERM, 1965

No. 898

**IMMIGRATION AND NATURALIZATION SERVICE,
PETITIONER**

v.

GIUSEPPE ERRICO

**ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

REPLY BRIEF FOR THE PETITIONER

Respondent contends in his brief in opposition (p. 3) that since there have been only two court of appeals cases interpreting Section 241(f) the issue in this case is not substantial enough to warrant review by this Court. This is erroneous. We are informed by the Board of Immigration Appeals that there are two cases presently pending before it which involve the same issue under Section 241(f) and the New York office of the Immigration and Naturalization Service reports that this issue has been involved in at least fifteen cases within its jurisdiction at the hearing level over the past eighteen months. Moreover, as

(1)

pointed out in the government's petition for certiorari, the issue in this case vitally affects many aliens and will continue to exist under the new immigration law (Pet. 5 and n.5). The conflict between the Second and Ninth Circuits should therefore be resolved by this Court.

THURGOOD MARSHALL,
Solicitor General.

MARCH 1966

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